

SHIPPING INTELLIGENCE.

ARRIVALS.—NONE.

DEPARTURES.—NONE.

COLONIAL WHALERS AT SEA.

(With their last Reports.)

Caernarvon, 220 tons, Irvine, hence 22nd August, 1842; at the Bay of Islands, on the 16th September, 1844, where she discharged; and having refitted, returned there on the 10th December, with 100 barrels sperm and 50 barrels whale, having been absent from the colony one month. **Irvine**, 220 tons, **John Elliot**, 419 tons, Bradley, hence 7th March, 1843; spoken by the **Mersey**, of London, in December, 1844, off Islands of the South, 500 barrels sperm. **H. Moore**, owner. **Mersey**, 312 tons, Hogg, hence 26th March, 1843; spoken by the **Kestrel**, on the 27th September, 1844, with 500 barrels sperm. **Blaixland**, owner.

Jane, barque, 250 tons, Fowler, hence 28th April, 1844; put into Port Stephens on the 10th October, 1844, with 500 barrels sperm oil; **Flowers**, **Saltinh**, and **Co.**, owners.

William, 314 tons, Bolger, hence 19th June, 1844; at the Bay of Islands, 8th August, clean; **B. Boyd** and **Co.**, owners.

Norwood, barque, 232 tons, Sullivan, hence 25th January, 1844; spoken by the **Comet**, on the 9th January, 1845, with 40 barrels sperm.

Lamb and **Parbury**, owners.

Nelson, barque, 274 tons, Spurling, hence 2nd October, 1844; spoken by the schooner **Flora**, on the 30th October, 1844, with 135 barrels sperm; **Fotheringham**, owner.

June, barque, 212 tons, Hayes, hence 11th November, 1844; **B. Boyd** and **Co.**, owners.

Jane, barque, 365 tons, Lee, hence 8th February, 1845, with 40 barrels sperm.

Lady Blackwood, barque, 253 tons, Cooper, hence 15th December, 1844; spoken by the **Lindsey**, on the 3rd March, 1845, with 210 barrels sperm. **Lamb** and **Parbury**, owners.

Thistle, barque, 225 tons, Sykes, hence 18th March, 1845; **B. Boyd** and **Co.**, owners.

Proteus, barque, 254 tons, Elliott, hence April 3rd; **Fotheringham**, owner.

Lucy Ann, barque, 213 tons, Long, hence April 6th, with 45 barrels sperm oil. **B. Boyd** and **Co.**, owners.

THE PACKET SHIPS.—We subjoin a list of the packet ships now in the colony to show what a number of vessels they have all made. A hundred days, we may remark, is considered a quick passage, a hundred and ten days a fair passage, and vessels over that time are looked upon as having made long passages:—

Mary Sharp	127 days.
Georgetown	108
Ceylon	127 "
Meg Merrilles	104
Garrison Grove	124 "
Dobson	14 "
Sarah Smith	127 "
Morayshire	118 "
Melochan	107 "
Ann Grant	128 "
Royal Consort	123 "

DIARY.

MEMORANDA FOR THIS DAY.

April.	SUN.	MON.	TUES.	WED.	THUR.	FRI.	SAT.	SUN.
23 WEDNESDAY	6 32	6 28	9	42	10	6		

Moon—Last Quarter, April 29, 24 m., past 9, A.M.

The Sydney Morning Herald.

WEDNESDAY, APRIL 23, 1846.

"Sworn to no master, of no sect am I."

UNSEAWORTHY SHIPS.

SOMEWHOW less than twenty years ago, in another part of the globe, the surveyor and ship's husband of a large concern, whose ships traded on long voyages to southern latitudes, sent to the counting-house of his owners, a package wrapped up in a carpenter's apron, which, on being opened out was found to contain a piece of one of the timbers completely honeycombed. The worm-eaten present was instantly thrust into a back closet, and our informant (much to his pain and disgust) was directed by the managing owner to close up the opening, he had made in the ship's side, without delay or further inspection. It was the object of the owners to sell her, but not getting their price, she was despatched on another long voyage, with passengers and goods, and performed the outward portion of it without misfortune, but returning, with a cargo, she encountered a gale at the Agulhas, put into Simon's Bay in bad state, was obliged to discharge cargo, and be hove down and repaired, at an expense of upwards of three thousand pounds. This expense the underwriters disputed, and ultimately the owners were glad to compound their claim for about one-third of that amount.

Persons who, like our informant, are accustomed to take charge of vessels while in port, are constant in their inspection of the vessel while building, and are repeatedly rejecting pieces of timber on account of sapwood and other defects. But their utmost vigilance is not always sufficient. Ship-builders seldom scruple to slip in an imperfect piece if they can do so unscrupulously. The carpenters also frequently from sheer laziness or worse motives, omit to fit up treenail holes, and to clinch bolts, and in one vessel this party examined, he found that after she had gone and come two New South Wales voyages, that not only were some of her treenail holes covered by the copper without being filled, but one in the head of the vessel had been deliberately filled up with pitch.

After a long voyage, however strong a vessel may be, it is necessary carefully to examine her timbers, knees, bents, and other parts, which are most likely to be strained or to suffer decay from the chemical action of the sun and water; but timid or illiberal owners will not venture upon such examination, because they know that when once you begin to cut into a ship's side, you cannot tell when you shall stop.

Many ships are so ill-hung together, and their materials originally so bad, or from age so decayed, that were it not for the compressing influence of the water in which they float, they would at once fall to pieces. When this surrounding force is withdrawn or disturbed, as when they get into troubled and shallow waters, their unsatisfactory and incohesive formation is instantly disclosed. Their tenderness and flexibility, by which it might be supposed they have in ordinary circumstances to some degree accommodated themselves to the waters, becomes their destruction. If they do not disappear altogether, it is only by their dryness of the touchwood of which they are composed that occasions some remnants of the ship to be seen floating with the bales and boxes, and the dead bodies of the crew and passengers.

Instances continually occur of old unseaworthy vessels being patched up as inexpensively as possible, and sent to sea in a state scarcely seaworthy, and of such vessels returning immediately to port leaky.

The practice has long been notorious, both in the prosperous and depressed circumstances of the colony; both in times when high freights, have encouraged shipping, and when low ones have prevented remuneration to good ships.

Shipowners who indulge in this wanton and detestable practice, incur a frightful responsibility, both to the laws of God and man. With respect to the latter, it is clearly laid down that there is an implied warranty from the master and owners to the shippers of goods and to the passengers, whether it be expressed in a charter-party, or other writing, or not, that the ship is tight, staunch, and strong, well manned, fitted, and provided, and every way sufficient at the time of sailing; and it is the positive duty of the owners and master to satisfy themselves that this is the case. Should she turn out to have been otherwise, even if they were ignorant of the defect, the policy of insurance effected on the ship is vitiated, and held null, and they become liable in such losses and damages as shall have been sustained by shippers and passengers, owing to such unseaworthiness, quite the same as if occasioned by bad stowage. If a ship sail on a voyage, and immediately thereafter, without stress of weather or any visible adequate cause, become leaky and founder, or be obliged to return to port, it will be held that she was unseaworthy at the time of sailing, and not only all contracts in favour of her be vitiated, but all expenses of actual damage, detention of passengers, loss of markets, and reshipment of goods and persons in more expensive vessels, may be claimed of the owners.

A case has been stated to us illustrative of this liability. A ship, not unseaworthy in the sense we have hitherto principally speaking of, but insufficiently found for keeping up with convoy, or running away from the latter, was consequently abandoned after inspection by the convoy-commander, and captured,—her owners not only lost their own insurance on her, but were made liable for about thirty thousand pounds, as the value of the goods shipped in her. We forget the name of the case, but we think "Ward" was the defendant. The Act 53 Geo. III, cap. 152, declares that owners of ships shall not be liable to make good any damage occasioned without their fault, further than the value of their vessels; and we think this case occurred before the passing of that Act in 1813; but, nevertheless, we think the limitation of liability granted by the Act would not apply to a case of unseaworthiness.

We know not whether there be any law imposing penalties on persons knowingly, or carelessly sending ships to sea in an unseaworthy state. But we have not any doubt from analogy that they may be punished as criminals of the highest order. If it can be shown that loss of life has been directly occasioned by such an act, the master or owner being aware of the vessel's unfit condition to stand the ordinary perils of the sea, and of the particular voyage, we think they may even be tried for murder; and if merely want of due care were the cause, they would be found guilty of manslaughter.

BLACKSTON says "where a workman flings down a piece of timber or stone into the street and kills a man: this may be either misadventure, manslaughter, or murder, according to the circumstances. If it were in a country village, where few passengers are, and he calls out to all people to have a care, it is misadventure only. But if it were in London, or any other populous town, where people are continually passing, it is manslaughter. And murder if he knows of their passing, and gives no warning at all, for then it is malice against all mankind. In general, when an involuntary killing happens, in consequence of an unlawful act, it is manslaughter or murder, according to the circumstances. By the Act 10 Geo. II, cap. 1, which is the same as the Act 53 Geo. III, cap. 152, declares that owners of ships shall not be liable to make good any damage occasioned without their fault, further than the value of their vessels; and we think this case occurred before the passing of that Act in 1813; but, nevertheless, we think the limitation of liability granted by the Act would not apply to a case of unseaworthiness.

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